

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF
AMERICA,

VS.

ROBERT RAMOS,
Defendant.

CRIMINAL ACTION NO.
MJ-03-907-MBB

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UNITED STATES DISTRICT COURT
DISTRICT OF MASS.

MOTION TO DISMISS

Now comes the Defendant, Robert Ramos, in the above-entitled complaint, and moves to dismiss said complaint.

In support thereof, the Defendant states that he is charged with a violation of 18 U.S.C. 1958, to wit:

Knowingly and intentionally travel and cause another to travel and use and cause another to use a facility in interstate commerce, to wit: telephone and cellular phones, with the intent that the murder of an individual be committed in violation of the laws of the Commonwealth of Massachusetts in consideration for a promise or agreement to pay anything of pecuniary value.


However, a careful review of the attached affidavit of Special Agent Lisa Cline of the Federal Bureau of Investigation (FBI), the main discovery of the case summarizing the facts of the case, indicates that the government, through its conduct, caused the Defendant to cross state lines in order to create federal jurisdiction for a state crime. In particular, the government lured Mr. Ramos to Rhode Island to an apartment that

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apparently was rented/controlled by the FBI (paragraph 8 – affidavit). This meeting place was picked by the cooperating witness who ostensibly was told to do this by the FBI so it could be videotaped. The other meeting in this case was on December 9, 2003 at a place chosen by the cooperating witness, who again chose Rhode Island.

In support thereof, the Court is directed to the accompanying memorandum.

Respectfully Submitted,
For the Defendant,


Barry P. Wilson, Esquire
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DISTRICT OF MASSACHUSETTS

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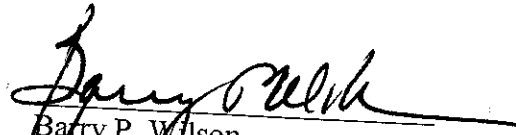
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CERTIFICATE OF SERVICE

I, Barry P. Wilson, do hereby certify that I did serve one (1) copy of the within motion, "Motion to Dismiss," by United States Mail, postage pre-paid on Tuesday, May 4, 2004, to Emily Schulman, A.U.S.A., United States District Court, 1 Courthouse Way, Suite 9200, Boston, MA 02210

Date: 5/4/04


Barry P. Wilson